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INFO EUROPEAN POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 ATHENS 001679

SIPDIS

AMEMBASSY ANKARA PASS TO AMCONSUL ADANA
AMEMBASSY ASTANA PASS TO AMCONSUL ALMATY
AMEMBASSY BERLIN PASS TO AMCONSUL DUSSELDORF
AMEMBASSY BERLIN PASS TO AMCONSUL LEIPZIG
AMEMBASSY BELGRADE PASS TO AMEMBASSY PODGORICA
AMEMBASSY HELSINKI PASS TO AMCONSUL ST PETERSBURG
AMEMBASSY ATHENS PASS TO AMCONSUL THESSALONIKI
AMEMBASSY MOSCOW PASS TO AMCONSUL VLADIVOSTOK
AMEMBASSY MOSCOW PASS TO AMCONSUL YEKATERINBURG

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SUBJECT: GREEK COURT OVERTURNS CONVICTIONS OF ELA TERRORIST GROUP MEMBERS

REF: 05 ATHENS 1775; 04 ATHENS 3870; 04 ATHENS 148

CLASSIFIED BY: Daniel V. Speckhard, Ambassador; REASON: 1.4(B), (D)

Summary

11. (SBU) On December 3, 2009, a Greek appeals court threw out the 2004 convictions of three members of the People's Revolutionary Struggle (ELA) terrorist organization, ruling there was insufficient evidence. A fourth defendant died in June 2009. The ELA members were cleared of all charges for which they were initially convicted: the 1994 killing of a police officer, as well as 48 attempted murders by bombing, and 42 bomb attacks and attempted bombings. The ruling, which dismayed Greek police officers and was largely ignored by most of the Greek public, underscored fundamental weaknesses in the Greek judicial system's ability to obtain and uphold terrorism convictions. End Summary.

The Background

12. (U) During the original ELA trial that ended in October 2004, the four defendants, civil engineer Christos Tsigaridas, former mayor of Kimolos island Aggeletos Kanas, civil engineer Costas Agapiou, and travel agency employee Irini Athanassaki, were found guilty of complicity in the 1994 assassination of police officer Apostolos Vellios, as well as in 48 attempted murders associated with exploding bombs, and 42 bomb attacks and attempted bombing. Some of the bomb attacks targeted U.S.-affiliated business targets. The prosecution's case was based on testimony of Sophia Kyriakidou, the ex-wife of Kanas, who described Kanas and others as members of ELA and the May 1 terror cell. At the end of the first trial, all four defendants received 25-year prison terms. Within months, three out of the four had been released pending appeal, following petitions to the court. Agapiou, who refused to submit a petition, remained in prison although suffering from cancer. He was later released on health grounds, and died at home.

13. (U) Prosecutors tried the same suspects as well as others in a separate trial in 2005, specifically focused on bomb attacks against Greek government buildings (which had been excluded from the initial trial). All the defendants were acquitted for lack of evidence (ref A).

14. (U) In October 2008, an appeals court began its review of both the 2004 and 2005 rulings, which had been appealed by the losing side in each case. Kyriakidou (who had also allegedly provided information to police about the early days of the November 17 terrorist organization) appeared twice in the appeals trial. Her testimony was severely questioned by defense lawyers, and the defendants largely evaded questions and made no confessions. The defense termed the Vellios murder "regrettable" and insisted the defendants had nothing to do with it. As in the two earlier trials, the defendants and their attorneys delivered ideological rants before the court, with Tsigiaridas closing the appeals trial with a diatribe against bourgeois regimes and the principle of collective responsibility (something the lower court had opened the door to by citing it as one of the reasons for the guilty verdict).

Comment

15. (C) This decision clears the remaining ELA defendants of all charges. Given this and the Greek statute of limitations, it seems very likely that there will be no sustained convictions of anyone in connection with one of Greece's most prolific terrorist groups.

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Greek police contacts have indicated to us that they are dismayed by the results, stressing that the police arrested the ELA members but the judges and prosecutors were unable to keep them behind bars. This is another indication of the weakness of the Greek judicial system in prosecuting cases of this type, something Embassy Athens noted repeatedly during the initial trials (reftels provide a sample). In fact, the Embassy was genuinely surprised at the tough sentences the defendants received in the first trial, given the manner in which the prosecution and trial were conducted. In the appeals trial as well, the defense had relatively free rein to engage in theatrics. The appeals trial received fairly little attention in Greece and the verdict seems to have provoked little controversy. Even the earlier statement by Tsigaridas admitting he was an ELA member and assuming "political responsibility" for some of the group's actions went largely unnoticed. The most commented-on development this year came outside the courtroom, when the new terrorist group Sect of Revolutionaries ambushed and killed a Greek police officer on protection detail outside Kyriakadou's apartment building. The weaknesses in the judicial system and the lack of political pressure to fix them remain major challenges to Greece in dealing with the recent round of attacks by the successor groups to ELA and November 17.
Speckhard